



IT IS ORDERED as set forth below:

Date: October 9, 2012

Wendy L. Hagenau

**Wendy L. Hagenau
U.S. Bankruptcy Court Judge**

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

: CHAPTER: 13

LANSDALE AUBREY LUCAS,
CLAI'RE DORIS LUCAS
Debtor(s).

: CASE NO.: 12-58779-WLH

LANSDALE AUBREY LUCAS,
CLAI'RE DORIS LUCAS
Movant.

: CONTESTED MATTER

V.

SETERUS, INC., SERVICER FOR FEDERAL
NATIONAL MORTGAGE ASSOCIATION,
Respondent.

**CONSENT ORDER ON MOTION TO VALUE AND DETERMINE SECURED STATUS
OF LIEN ON REAL PROPERTY AND TO BIFURCATE SECURED INTEREST IN
REAL PROPERTY (#31)**

The above styled Motion (hereinafter the “Motion”) was filed on June 11, 2012 (Doc.

No. 31) seeking to cramdown a first priority lien on real property located at 3693 Belmont Abbey Drive, Decatur, GA 30034 (hereinafter the "Property"). The Motion asserted that Suntrust Mortgage, Inc. was the first priority lienholder on the subject property however, by virtue of a Corporate Assignment executed on July 9, 2012, showing Mortgage Electronic Registration Systems, Inc. solely as nominee for Suntrust Mortgage, Inc. as Assignor and Federal National Mortgage Association as Assignee, the current first priority lienholder on the subject property is Federal National Mortgage Association. The loan is being serviced by Seterus, Inc. The Motion was scheduled for a hearing before the Court on September 27, 2012 upon Notice of Assignment of Hearing. The parties have reached an agreement. It is hereby

ORDERED that the Motion is granted in-part and denied in-part with terms more particularly set forth hereinafter. It is further,

ORDERED that for the purposes of the Debtors' Chapter 13 case, Respondent's claim #17 on the claims register filed on August 6, 2012 shall be paid as a secured claim to the value of \$49,000.00 at 5.17478% interest. It is further

ORDERED that the remainder of Respondent's claim shall be allowed as a general, unsecured claim. It is further

ORDERED that Debtors shall be responsible for maintaining property taxes and insurance on the subject property. If Respondent disburses taxes and/or insurance post petition on behalf of the Debtors, then Respondent shall be entitled to reimbursement of said amounts, including attorneys fees and costs attributed to recovery of said amounts, to be paid within a reasonable time during the life of the instant bankruptcy case. Respondent shall be entitled to file a supplemental proof of claim to recover said amounts during the bankruptcy case and said amounts are deemed to be secured to be paid over and above the \$49,000.00 plus interest as long

as the plan is amended to so provide otherwise, the secured amounts will remain due and owing after the case is completed. Further, if the Debtors fail to amend the plan to provide for Respondent's supplemental proof of claim, then Respondent shall be entitled to file a Motion for Relief from the Automatic Stay the granting of which voids the terms of the cramdown and the loan terms shall revert to the original terms. It is further

ORDERED that if the case is dismissed, closed without a discharge, converted to another chapter, or relief from the automatic stay is granted, then the cramdown shall be void and the loan terms shall revert to the original terms. It is further

ORDERED that if the Debtor or Debtors transfer the subject property, refinance the loan on the subject property, or sell the subject property, prior to the completion of the instant Chapter 13 case and entry of a Chapter 13 order of discharge under 11 U.S.C. §1328(a), pursuant to 11 U.S.C. §1325(a)(5)(B), then the cramdown shall be void and the loan terms shall revert to the original terms and the Debtors shall pay the entire balance due on the mortgage in full at closing.

It is further

ORDERED that the parties agree that Bankruptcy Rule 3002.1 does not apply to Respondent's, its successors and/or assigns, lien on this property as Respondent's lien is not provided for under §1322(b)(5) of the Code in the Debtors' Plan.

END OF DOCUMENT

(signatures on next page)

PREPARED AND PRESENTED BY:

/s/ Whitney Groff

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